

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Julian A. Mercado

Docket No.: 2873

Art Unit: 1745

In re:

Applicant: FAYE, I., et al

Serial No.: 10/699,908

Filed: November 3, 2003

RESPONSE TO ELECTION REQUIREMENT

December 27, 2006

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This communication is responsive to the Office Action of December 1,
2006.

In the Office Action the examiner indicated that the present application contained several patentably distinct species, namely:

1. A control element for changing volume such as a pipe.
2. A control element for changing volume such as a variable diaphragm device.
3. A control element for changing volume such as a series of valves.

The examiner requested to elect a single disclosed species for further prosecution.

With the present communication applicants have elected for further prosecution the second species, including a control element for changing volume such as a variable diaphragm device.

Claims 1-3 and 13-15 can be considered as generic, as confirmed the examiner.

Claims 4, 5, 8, 9 and 10 can be considered as specific to the elected species. Also, Claims 16 and 17 are also specific to the elected species.

Consideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

/ Michael J. Striker /
Michael J. Striker
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